



**U.S. Immigration
and Customs
Enforcement**

September 30, 2013

MuckRock News for Zack Sampson
Dept MR 6710
P.O. Box 55819
Boston, MA 02205-5819

RE: ICE FOIA Case Number 2013FOIA34150

Dear Mr. Sampson:

This is in response to your Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), dated September 11, 2013, and received by this office on September 11, 2013. You have requested copies of all documents released for ICE FOIA 2012FOIA6628

Your request has been processed under the FOIA, 5 U.S.C. § 552.

With respect to the individual whom you have requested information about, lacking explicit consent from the individual(s) or an overriding public interest, an official acknowledgement of an investigation of them, even to acknowledge the existence of such records pertaining to the individual(s) could reasonably be expected to constitute an unwarranted invasion of their personal privacy. Accordingly, I have determined to neither confirm nor deny the existence of responsive records on the individual(s) identified in your request. If any records existed they would be exempt from disclosure pursuant to Exemptions 6 and/or 7(C) of the FOIA.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right privacy. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

FOIA Exemption 7(C) protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, I have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public

interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

You have the right to appeal ICE's withholding determination. Should you wish to do so, send your appeal and a copy of this letter to: U.S. Immigration Customs Enforcement, Office of Principal Legal Advisor, U.S. Department of Homeland Security, Freedom of Information Office, 500 12th Street, S.W., Stop 5009 Washington, D.C. 20536-5009, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your appeal must be received within 60 days of the date of this letter. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.^[1]

If you need to contact our office about this matter, please refer to case number **2013FOIA34150**. This office can be reached at (866) 633-1182.

Sincerely,



Catrina M. Pavlik-Keenan
FOIA Officer

^[1] 6 CFR § 5.11(d)(4).